

1 HONORABLE RONALD B. LEIGHTON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 U.S. BANK NATIONAL ASSOCIATION,
14 Plaintiff,

15 v.
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EEL RIVER INVESTMENT COMPANY, et
al,

Defendants.

Case No. C04-5623RBL

ORDER

17 THIS MATTER comes before the Court on Sterne Agee's Motion to Compel U.S. Bank
18 Production of Communications With and Documents Provided to John Goetz or His Counsel During the
19 Period From December 30, 2008-January 11, 2009 [Dkt. #464]. The Court has reviewed the motion and
20 supporting documentation and the Court's Order Granting Plaintiff's Motion for Confirmation Regarding
21 Trial Preparation of Witnesses [Dkt. #457]. The Court does not require a response from U.S. Bank in
22 order to interpret its own Order. Oral argument is not necessary to resolve the issue presented in this
23 motion.

24 Sterne Agee's Motion is **DENIED**. Based upon the information provided to the Court, there is no
25 evidence that Peter Ehrlichman provided a copy of his notes to Mr. Goetz to review. Without that
26 additional fact, Mr. Ehrlichman's notes more closely fit into the category of "affidavit providing a
27 description of the contents of the conversation" which the Court expressly refused to require lawyers
28 conferring with Mr. Goetz to prepare. The Court did not mean to imply that the required production of

1 "evidence of the telephone calls" between U.S. Bank counsel and Mr. Goetz or his counsel was to include
2 the mental impressions of counsel.

3 The Motion to Shorten Time [Dkt. #463] is **DENIED AS MOOT**.

4 **IT IS SO ORDERED.**

5 Dated this 6th day of January, 2009.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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